

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**DECLARATION OF ANDREW S. BRUNS
IN SUPPORT OF DEFENDANT GOOGLE LLC'S MOTION FOR LEAVE TO AMEND**

I, Andrew S. Bruns, declare and state as follows:

1. I am an attorney licensed to practice law in the State of California and am admitted *pro hac vice* to practice before this Court. I am an attorney at the law firm of Keker, Van Nest & Peters LLP and counsel for Defendant Google LLC, ("Google") in the above-captioned action.

2. I submit this declaration in support of Google's Motion for Leave to Amend. I have personal knowledge of the facts stated herein and, if called as a witness, I could testify to them competently under oath.

3. Google's counsel deposed Dr. Joseph Bates, the named inventor on the patents asserted in this action by Plaintiff Singular Computing LLC ("Singular"), on July 20 and 21, 2021, and Robert Plotkin of Blueshift IP, LLC, the firm that prosecuted the asserted patents before the U.S. Patent & Trademark Office (USPTO), on July 23, 2021.

4. Google's counsel received the completed final transcript of Dr. Bates' July 20-21, 2021, deposition on August 10, 2021, and the completed final transcript of Plotkin's deposition on August 11, 2021.

5. On August 26, 2021, Google's counsel served a draft of Google's Second Amended Answer on counsel for Singular. Attached as **Exhibit 1** is a true and correct copy of the corresponding email.

6. Counsel for Singular never requested a conference regarding Google's proposed amendment of its answer, nor did counsel for Singular otherwise respond to Google's August 26, 2021, email.

7. On June 12, 2022, following expiration of the Court's stay of this case, counsel for Google contacted Singular's counsel to seek consent to file and serve Google's Second Amended Answer as its operative pleading. Counsel for Singular responded on June 15, indicating that it would not consent, instead offering times to meet and confer regarding Google's proposed amendment. Counsel for the parties conferred on June 16, at which time Singular's counsel confirmed that Singular would not consent.

8. Attached as **Exhibit 2** is a true and correct copy of Google's proposed Second Amended Answer, with one annotated change that deletes an immaterial statement from the draft shared with Singular's counsel on August 26, 2021.

9. The emails referenced at paragraphs 48 and 49 of Google's proposed Second Amended Answer, relating to Dr. Bates' knowledge of the "Coleman" reference, were produced to Google by Singular on April 15, 2021.

10. Attached as **Exhibit 3** is a true and correct copy of a June 21, 2021 email to Google's counsel from Jay Gregory, counsel for Blueshift IP, LLC and Robert Plotkin, regarding scheduling the deposition of Mr. Plotkin.

11. Attached as **Exhibit 4** is a true and correct copy of a June 18, 2021 email to Google's counsel from Kevin Gannon, counsel for Singular, regarding scheduling the deposition of Dr. Bates.

12. Singular made a production of documents to Google on July 12, 2021, consisting of 866 documents, all of which identified Dr. Bates as the custodian. Of those documents, at least approximately 700 were emails (including attachments) involving Dr. Bates.

13. Attached as **Exhibit 5** is a true and correct copy of the transcript of the August 10, 2021 status conference with the Court in the above-captioned case.

14. Singular made a production of documents to Google on April 15, 2021, consisting of 2,610 documents, all of which identified Dr. Bates as the custodian. Of those documents, at least approximately 1,860 were emails (including attachments) involving Dr. Bates.

15. Singular made a series of document productions to Google on May 27-28, 2021, consisting of 2,319 documents, all of which identified Dr. Bates as the custodian. Of those documents, at least approximately 1,564 were emails (including attachments) involving Dr. Bates.

16. Singular's document productions in April through July 2021 represent the majority of documents Singular produced in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on June 24, 2022 at Mill Valley, California.

/s/ Andrew Bruns

Andrew S. Bruns

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

Dated: June 24, 2022

/s/ Nathan R. Speed

Nathan R. Speed